

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Lakenyata Maxwell,

Plaintiff,

vs.

Housing Authority, AKA Columbia Housing
Authority, and Candice Tollison, Laquile
Bracey, Deana Mills,

Defendants.

Civil Action No. 3:23-6948-CMC

ORDER

This matter is before the court on Plaintiff's Motion for Temporary Restraining Order. ECF No. 3. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings.

On January 25, 2024, the Magistrate Judge issued an initial Report and Recommendation ("Report") recommending Plaintiff's Motion for Temporary Restraining Order be denied for failure to comply with procedural requirements of Federal Rule of Civil Procedure 65(b)(1). ECF No. 29. Plaintiff then filed an affidavit in support of the motion, and this court re-referred the matter to the Magistrate Judge for consideration of that affidavit. Plaintiff has also now filed an Amended Complaint. ECF No. 26.

The Magistrate Judge filed a Report recommending the Temporary Restraining Order be denied on the merits on March 12, 2024. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. Plaintiff has not filed objections, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the

court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the court adopts the Report by reference in this Order. Plaintiff’s Motion for Temporary Restraining Order (ECF No. 3) is denied.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 3, 2024